

Excerpt from the
HERITAGE PRESERVATION COMMITTEE MEETING
Community Planning & Economic Development (CPED)
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The following actions were taken by the Heritage Preservation Committee on January 7, 2014. The Heritage Preservation Committee's decisions on items are final subject to a ten calendar day appeal period.

Commissioners present: Mr. Paul Bengtson, Ms. Laura Faucher, Mr. Alex Haecker, Mr. Chris Hartnett, Ms. Susan Hunter Weir, Ms. Ginny Lackovic, Ms. Linda Mack, Mr. Robert Mack, Mr. Ian Stade, and Ms. Constance Vork

Committee Clerk: Fatima Porter 612.673.3153

ITEM SUMMARY

Description:

Item #4 110 Bank St (BZH #28023 Ward 3) (Janelle Widmeier)

Miller Dunwiddie Architecture, on behalf of La Rive Condominium Association, has applied for a Certificate of Appropriateness application to allow ground level mechanical equipment additions for the property located at 110 Bank St in the Saint Anthony Falls Historic District.

Action:

The Heritage Preservation Commission adopted the findings and **approved** the Certificate of Appropriateness to allow a ground level mechanical equipment addition located at 110 Bank Street, subject to the following conditions:

1. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approval is substantially begun and proceeds in a continuous basis toward completion. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than January 7, 2016.
2. By ordinance, all approvals granted in this Certificate of Appropriateness shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Certificate of Appropriateness and may result in termination of the approval.

3. Department of Community Planning and Economic Development staff shall review and approve the final plans and elevations prior to building permit issuance.

Aye: Bengtson, Faucher, Haecker, Hartnett, Lackovic, L. Mack, R. Mack, Stade, Vork

Nay: Hunter Weir

Motion Passed

TRANSCRIPTION

Staff Widmeier presented the report.

Chair Faucher opened the public hearing.

Paul May (4220 Chicago Ave): I'm an architect with Miller Dunwiddie Architecture in the Warehouse District. Madam Chair, members of the commission, I appreciate Ms. Widmeier's through report and recommendation. I'd also like to give a little bit of a background. This cooling tower was before you, I think a few months ago when it was located on the roof. And a little history that goes back to that, the renewed application talks about looking at options for where this cooling tower would be. When we placed it on the roof and looked at that and it was approved by you, since that time, we have continued to implement that plan and found a couple of items that the projected liability and risk of placing it on the roof became significant from not only a cost but a logistics point of view of having a crane that goes twenty seven stories high, having to assemble the crane in the middle of the street because there is not a lot of site work for it to be located on. And also the inevitable maintenance cost associated with it. So there was a significant cost and liability issues related to having it on the roof. Also we had explored geothermal and we explored having it offsite and those were not feasible due to constraints on the site, the amount of site that we have. We also looked at other options on the site including the terrace and the impact of having it on the terrace took away a terrace which was used by all of the residence. Also, since that time the option of having it in this small grassy area to the north became available and working with the residence of LaRive in part because there is a sidewalk and a stair that is located on the north and the east side that were not required to be used. So this land became available and it became an advantage for the entire association to place it here, it is significantly away from the public street. And as we go through the items on the findings on the statement of appropriateness, it is compatible with the district guidelines, because it does protect the significance of the surrounding district. It is screened both with vegetation and with the thin brick. It's compatible with the district because it minimizes the visual impact from the public way and from the building equipment because it is significantly setback as you can see. And it also follows the guidelines and respects the guidelines as it relates to, it isn't injurious to any of the neighbors or anything around it as well. In addition to just that, we have spent a significant amount of time to respect the acoustics. These can potentially generate a lot of noise so it is being wrapped and treated in an acoustic manner such that it keeps the decibel level both in the day and at night within the city guidelines. So this had been for our office and for the LaRive condominium association, a multiple year process of looking for a location for this and time is starting to come to an end of how to implement it. So we feel that this meets all of the spirit of the guidelines also in sheathing it with the thin

brick respects the neighbors, the sound will meet the guidelines and also respect the neighbors. With that I would encourage your approval of it.

Chair Faucher: Are there any questions for the applicant? Commissioner R Mack.

Commissioner R. Mack: We received some correspondence which was not in our initial packets expressing concern about the proximity to some of the other units and in looking at your elevations, it's clear that there will be some units that are, I would say, fairly seriously affected. Can you address those concerns?

Paul May: I think the, Commissioner Mack, in working with the condominium association, representatives from their association; we explored many of the options. Looking at it, looking at visual imagery from units inside from around and this is the best location that we have. I think the impact on those units, there's an impact that is different having it not be there. The other options that we were looking at and the approval and workings from the condominium association; I feel this is a very good solution.

Chair Faucher: Commissioner L Mack.

Commissioner L. Mack: Perhaps to follow up on that, looking at the flat elevation is one thing; could you explain or sketch perhaps the views looking out of those units and maybe tell us the distance of the tower from the unit balconies?

Paul May: I can't sketch the views from the units themselves. There is a clear distance around the unit that's required for the operations, for the air to come around and get up. That wall facing north is primarily brick that it faces and it reaches the first story and the second story. Primarily a brick wall that it is facing and I think as we look at the project before you and how it fits into the guidelines of the historic district, sometimes the discussions that are within the association themselves, is among the association themselves. And I will let others from LaRive Condominium Association speak to that.

Commissioner L. Mack: Thank you, maybe if my colleague will show me some drawings which I was not able to see, that will help me.

Chair Faucher: Other questions of the applicant? Thank you.

Carol Lansing (90 S 7th St): I'm an attorney at Faegre Baker Daniels, and I am here representing the applicant. They asked us to assist on these applications including there's going to need to be a vacation of an easement and a conditional use permit. We are aware that there are these comments that have come in from residents including Mr. Sheehy, regarding the impacts on views and potential other impacts on a couple of the units that will be near the proposed location of the cooling tower. But it's a simple matter, I believe, of law and fact that those issues are not relevant to your decision that is before you today on this certificate of appropriateness. The views and the impact on units from a non-contributing building of this equipment on a non-contributing property is not within the scope of the criteria in your ordinance or the standards of the secretary of interior for preservation of the

significance and integrity of a historic district. And I encourage you to follow the guidance and the staff report which looked at those criteria and concurred that there is no adverse impact on the significance or integrity of the district. There is a legitimate conversation to be had about the relative impacts and cost of the various places that this essential service can be relocated on this property and those concerns have been of primary concern to the association as you can tell from the efforts they've gone to look at putting it on the roof and look at putting in other locations. And Dale Herron, whose one of the association members who's leading this effort is here if you do want more information about how many views these units have and various directions and how many units will be impacted. But really my main message to you is, I believe that is a private party to private party issue to be discussed amongst the association including Mr. Sheehy and the other affected residence.

Chair Faucher: Thank you. Is there anyone else who wishes to speak for or against this application, please step forward?

Lee Sheehy (110 Main St SE): My wife and I own unit 301. Our unit and one other are the two closest. I appreciate the commission member questions. Let me try to give a quick answer then I'll actually respond to the architect and counsel. I think the staff outlined its twenty three and a half feet by nineteen wide and fourteen deep. My reading of the site plan is that the mechanical structure will be within five feet of the two decks. I should say, I think the email you have probably reflects the neighbors below who are out of town, 201 join in these concerns. I can state from the information provided to us although there was a great deal more in your packet which I read over the weekend and I'm grateful for that. The structure will completely block the views of 201 and would appear to partially block views, I should note at least for our unit that that view is not only balcony but is French doors to our bedroom and the bedroom window. So, I think it is fair to say that our concerns are substantial. In terms of the certificate of appropriateness, the staff report relies on representations as I understand it that there are no other feasible options, since we've got counsel, we should note that there is nothing in the record to support that. But I will choose one aspect of the application itself, page one, the fourth reason of feasibility or non-feasibility was, options for placement conflicted with and interfered with views from balconies and interior living spaces of existing condominium units, so that clearly is the applicants view of what is material to appropriateness. To our knowledge, that analysis hasn't been done for any of the other options, if it has it should be brought forth by the applicant and made available to us and we've requested it. Being a resident and understanding the history of this, at this point in time, it would be my request that this commission continue the matter for two weeks would give the applicant the opportunity to talk with us a little further. If that's not the commissions wish, then I'd like to oppose it. I think right now the best course of action might be to continue it for two weeks, but it's obviously the commission's decision. I'd be happy to answer questions.

Chair Faucher: Alright, thank you. Are there any others that wish to speak for or against this application?

Don Drapeau (110 Bank St SE #2503): Madam Chair and members, I'm a board member at LaRive Condominiums and treasurer. I support the project; I oppose a continuance, Mr.

Sheehy and members of unit 201 met with management and the board on December 26th where we presented all of this information to him, including the view from his balconies. We have exchanged about four or five different emails where Mr. Sheehy has asked for him to be able to meet with architects and engineering staff. We have promised him that meeting. We have also had conversations about mitigation including any diminution of value with both of the home owners. So we believe we are acting as good stewards in having those conversations and a delay in the project, quite honestly, when we have to have it constructed by October of 2014 or else we won't have any energy, is pretty critical. Thank you.

Chair Faucher: Thank you, is there anyone else?

Dale Herron (110 Bank St #1505): Madam Chair and Commissioners, I've spent approximately three years now as the energy committee chairman. When we learned we were going to lose our source of energy. We have gone through countless engineering studies, countless efforts to try to figure out a way to deal with this problem, because it is more or less existential for the building. We will suffer; residence will suffer during this time, not only the two that have been mentioned, but others, due to what we have to do within the building to make this work for us. To Don's point about the timing here, time is critical to us now. And I would prefer that you not consider any continuance because the issue is now we have to go to the engineers, we have to complete the engineering, if we are going to be able to get into next winter with heat.

Chair Faucher closed the public hearing.

Commissioner L. Mack: Always difficult issues, but I guess our job is to say whether this meets the guidelines for the district or not and I guess I am persuaded that it does. So, I move the staff recommendation.

Commissioner Stade: Second

Chair Faucher: Any further discussion on this item? Hearing none, we will call the roll.

Aye: Bengtson, Faucher, Haecker, Hartnett, Lackovic, L. Mack, R. Mack, Stade, Vork

Nay: Hunter Weir

Motion Passed